

Complaint for declaratory relief stating that NRS 392.458, CCSD Regulation 5131 (VI & VII) as amended and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, both facially and as applied by the Defendants: freedom of speech, establishment, free exercise of religion, equal protection and due process clauses of the United States Constitution and Article 1, Section 9 of the Nevada Constitution. Moreover, the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School requirements violate Nevada state statute. In addition, Plaintiffs request injunctive relief to enjoin Defendants from enforcing these provisions, and to also enjoin Defendants from imposing any discipline on the student plaintiffs for failing to adhere to mandatory school uniform requirements and allowing them to conform to the District wide policy as set forth in Clark County School District (CCSD) Regulation 5131 (IV). Plaintiffs also request that all records of discipline and academic penalty suffered by student plaintiffs be expunged. Plaintiffs also seek appropriate damages.

Come now the Plaintiffs, by and through the undersigned attorneys, and file this Amended

#### I. Introduction

1. The Plaintiffs bring this action for declaratory and injunctive relief pursuant to 28 USC §2201 and 42 USC §1983 requesting that this Honorable Court declare NRS 392.458, CCSD Regulation 5131 (VI & VII) and the mandatory school uniform policy at: Liberty High School, Chaparral High School, Glen Taylor Middle School and Frank E. Garside Jr High School (the "schools") in violation of the First and Fourteenth Amendments to the U.S. Constitution, and Article 1, Section 9 of the Nevada Constitution, and that it enjoin their enforcement by the Defendants.

2. Because this cause of action is involves federal constitutional claims, this Court has jurisdiction pursuant to 28 USC §1331.

- 3. Venue is proper in the District of Nevada pursuant to 28 USC §1391.
- 4. Because the Defendants are not an arm of the state, this suit is not barred by the Eleventh Amendment to the U.S. Constitution,. *See, Eason v. Clark County School District*, 303 F.3d 1137, 1145 (9th Cir. 2002); *See also Culinary Workers Union v. Del Papa*, 200 F.3d 614, 619 (9th Cir. 1999).

### II. Procedural history

5. Plaintiffs Kimberly Jacobs and Donald Jacobs filed their Complaint, and Motion for a Temporary Restraining Order and Preliminary Injunction on October 28, 2004. On October 29, 2004 the Court denied the Motion for a Temporary Restraining Order. On November 10, 2004, the Court granted Plaintiffs' Motion for a Preliminary Injunction enjoining Liberty High School from disciplining Kim Jacobs for not wearing the mandatory school uniform and also enjoining the school from enforcing its mandatory school uniform requirement. On November 18, 2004, the Clark County School Board revised CCSD Regulation 5131. Defendants filed their Motion to Dismiss on December 7, 2004.

#### I. Parties

- 6. Plaintiff Kimberly Jacobs is a student at Liberty High School in the Clark County School District. Plaintiff Donald Jacobs and Linda Rowley are her parents.
- 7. Plaintiff Dwight Terry Jr. is a student at Chaparral High School. Plaintiff Dwight Terry is his father.
- 8. Plaintiff Shane Dresser is a student at Jim Bridger Middle School, Plaintiffs Donald and Wendy Dresser are his parents.

- (c) Designate the hours or events during which the uniforms must be worn.
- 3. If the board of trustees of a school district establishes a policy that requires pupils to wear school uniforms, the board shall facilitate the acquisition of school uniforms for pupils whose parents or legal guardians request financial assistance to purchase the uniforms.
- 4. The board of trustees of a school district may establish a dress code enforceable during school hours for the teachers and other personnel employed by the board of trustees."
- 20. The Clark County School District Regulation (CCSD) 5131 sets forth District dress and appearance policies. District-wide standards are contained in Section IV. In addition, Sections VI and VII sets forth District policies and requirements for schools implementing school uniform policies.
- 21. At the beginning of the 2004-2005 school year, Liberty High School, Chaparral High School and Jim Bridger Middle School. instituted mandatory school uniform requirements. These schools did not survey parents as was required by CCSD Regulation 5131 VI (A)(2).
- 22. During the Fall 2004 semester Plaintiff Shane Dresser was threatened with disciplinary action if he did not adhere to the mandatory school uniform requirement. Plaintiff Wendy Dresser informed Bridger officials that she had a religious objection to any requirement that her son must wear a uniform. She was informed that her son could not attend the school unless he wore it.
- 23. On at least five occasions during the Fall 2004 semester, Plaintiff Dwight Terry Jr. was sent to the principal's office for the remainder of the school day for failure to wear the required school uniform
- 24. Plaintiff Kim Jacobs was suspended from Liberty High School and eventually expelled. She was allowed to return to Liberty only after this Court issued its November 10, 2004 order enjoining the school from preventing her attendance and from enforcing its mandatory school uniform requirement. Kim Jacobs subsequently left Liberty High School due to the controversy

surrounding the school uniform issue at Liberty, particularly involving comments made by parents, teachers and other students. She desires to return to Liberty if and when the mandatory school uniform requirement there ceases.

- 25. At Garside Jr. High School, a parental survey resulted in a lack of support for mandatory school uniforms. The principal, however, instituted a mandatory school uniform requirement for the 2004-2005 school year in spite of the survey results.
- 26. Glen Taylor Elementary School opened in the 2003-2004 school year and instituted a mandatory school uniform requirement for the 2004-2005 school year through a faulty and invalid survey process. Nor did Glen Taylor hold the required town meeting. CCSD Regulation 5131 VI. (A)(3) states that the surveys will ask the sole question as to whether the parents would support the school adopting a mandatory school uniform policy. The surveys sent out by Glen Taylor elementary asked parents if they were in support of uniforms, not if they were in support of mandatory school uniforms.
- 27. Three (3) separate surveys sent by Glen Taylor throughout the school year were combined to achieve the result desired by the Region. The first survey was sent out at the beginning of the year. It was sent home and returned in student's backpacks. After the first survey was returned and the school made a determination that it did not achieve the numbers it needed to support the mandatory uniform policy. In addition the first survey failed to ask the number of Glen Taylor students where in the household.
- 28. The second Glen Taylor survey was mailed out using the school's budget. Although, it was not valid, that first survey was used to achieve the needed numbers. Both surveys were then matched to a student roster. The surveys had an optional signature block and if the parent had signed the survey, an attempt was made to determine who had actually so signed. The signature was

matched to students that appeared to have the same last name. The surveys that were not signed were discarded even though the signature was optional.

- 29. A third Glen Taylor survey was sent home only with students who did not already have a vote attached to their names through the first two surveys.. These surveys were sent with a special code to identify them. Some of the surveys were counted at the school and some of the surveys were counted at home by one of the helper moms who are clearly in favor of mandatory uniforms. All three uniform surveys were then added together to achieve the numbers the school needed.
- 30. After the three separate surveys were combined and compiled, Plaintiffs Lona Finley, Deanna Wright reviewed some of the results and found errors. For example, returned surveys were searched to find a particular parent's response. When the survey was located it was discovered that someone else's vote with a similar last name was counted as her vote. This parent was not in favor of uniforms and she had a yes vote documented for both of her children.
- 31. On November 18, 2004, the Clark County School Board revised CCSD Regulation 5131. Among the changes made to the regulation was to lower the threshold for parental support to only 55% of the surveys returned with no minimum return rate (Section VI (A)(1)). Thus, a mandatory school uniform policy can now be instituted with only an very small amount of parental support.
- 32. CCSD Regulation 5131, Section VII (E) states that, "In order to give students/parents/staff and the school adequate time to plan for the opening of the school year, notification of the final decision will be disseminated to the school's community (students/parents/staff) prior to May 1 of the current school year."
  - 33. CCSD Regulation 5131, Section VI (A)(3) allows schools "currently implementing"

the mandatory school uniform policy to continue to do so if they either perform the survey procedure set forth in CCSD Regulation 5131, Section VI (A)(1).

- 34. Liberty High School, Chaparral High School, Jim Bridger Middle School and Frank E. Garside Jr. High School, have all indicated an intention to continue with their mandatory school uniform requirements.
  - 35. Glen Taylor Elementary School continues to require mandatory school uniforms.
- 36. Schools throughout the District, including those discussed above, in conjunction with the central administration are currently in the process of implementing a parental survey process that is biased and lacking in validity, reliability and accuracy. The process fails to meet even the minimum standards of adequacy for survey research projects. The process instead is designed to achieve a particular result in favor of uniforms.

### IV. Standing

37. Plaintiffs have standing in that student plaintiffs have already been disciplined and penalized academically for not adhering to mandatory school uniform requirements, and have been threatened with future disciplinary action. Schools are either currently enforcing a mandatory school uniform requirement are actively in the planning stages for reintroduction of enforcement of existing policies. Thus, the requirements for Article III standing have been met.

## V. Causes of action

Violations of the United States Constitution NRS 392.458

First Cause of Action
(NRS 392.458)
Violation of the right of freedom of speech guaranteed
by the First and Fourteenth Amendments
to the United States Constitution

## Fifth Cause of Action (NRS 392.458) Vagueness and overbreadth

- 46. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 47. NRS 392.458 is unconstitutionally vague and overbroad.

# Sixth Cause of Action (CCSD Regulation 5131 (VI & VII)) Violation of the right of freedom of speech guaranteed by the First and Fourteenth Amendments to the United States Constitution

- 48. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 49. CCSD Regulation 5131 (VI & VII) as amended violates the right to freedom of speech guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially and as applied by Defendants.

# Seventh Cause of Action (CCSD Regulation 5131 (VI & VII)) Violation of the establishment clause and right of free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution

- 50. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 51. CCSD Regulation 5131 (VI & VII) as amended violates the establishment clause and the right to free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially and as applied by Defendants.

## Eighth Cause of Action (CCSD Regulation 5131 (VI & VII)) Violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

- 52. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 53. CCSD Regulation 5131 (VI & VII) as amended violates the equal protection clause

1 of the Fourteenth Amendment to the United States Constitution, both facially and as applied by 2 Defendants. 3 Ninth Cause of Action 4 (CCSD Regulation 5131 (VI & VII)) Violation of the right to due process of 5 guaranteed by the to the United States Constitution. 6 7 54. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 8 55. CCSD Regulation 5131 (VI & VII) as amended violates the the right to due process 9 of guaranteed by the to the United States Constitution, equal protection clause of the Fourteenth 10 Amendments to the United States Constitution, both facially and as applied by the Defendants. 11 Tenth Cause of Action 12 (CCSD Regulation 5131 (VI & VII)) Vagueness and overbreadth 13 14 Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 56. 15 57. CCSD Regulation 5131 (VI & VII) as amended is unconstitutionally vague and 16 overbroad. 17 **Eleventh Cause of Action** 18 (Liberty High School mandatory school uniform requirement) Violation of the right of freedom of speech guaranteed 19 by the First and Fourteenth Amendments 20 to the United States Constitution 21 58. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 22 59. The Liberty High School mandatory school uniform requirement violates the right 23 to freedom of speech guaranteed by the First and Fourteenth Amendments to the United States 24 Constitution, both facially and as applied by Defendants. 25 **Twelfth Cause of Action** 26 (Liberty High School mandatory school uniform requirement) 27 Violation of the right of free exercise of religion guaranteed by the First and Fourteenth Amendments 28

#### 1 to the United States Constitution 2 60. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 3 61. The Liberty High School mandatory school uniform requirement violates the right to 4 free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States 5 Constitution, both facially and as applied by Defendants. 6 7 Thirteenth Cause of Action (Liberty High School mandatory school uniform requirement) 8 **Violation of the Equal Protection Clause of** the Fourteenth Amendment 9 to the United States Constitution. 10 62. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 11 63. The Liberty High School mandatory school uniform requirement violates the equal 12 protection clause of the Fourteenth Amendment to the United States Constitution, both facially and 13 14 as applied by Defendants. 15 Fourteenth Cause of Action (Liberty High School mandatory school uniform requirement) 16 Violation of the right to due process of 17 guaranteed by the to the United States Constitution. 18 64. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 19 20 65. The Liberty High School mandatory school uniform requirement violates the right to 21 due process guaranteed by the United States Constitution, both facially and as applied by the 22 Defendants. 23 Fifteenth Cause of Action 24 (Liberty High School mandatory school unifrom requirement) Vagueness and overbreadth 25 Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 66. 26 67. The Liberty High School mandatory school uniform requirement is unconstitutionally 27

vague and overbroad.

# Sixteenth Cause of Action (Chaparral High School mandatory school uniform requirement) Violation of the right of freedom of speech guaranteed by the First and Fourteenth Amendments to the United States Constitution

- 68. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 69. The Chaparral High School mandatory school uniform requirement violates the right to freedom of speech guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially and as applied by Defendants.

# Seventeenth Cause of Action (Chaparral High School mandatory school uniform requirement) Violation of the right of free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution

- 70. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 71. The Chaparral High School mandatory school uniform requirement violates the right to free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially and as applied by Defendants.

# Eighteenth Cause of Action (Chaparral High School mandatory school uniform requirement) Violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

- 72. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 73. The Chaparral High School mandatory school uniform requirement violates the equal protection clause of the Fourteenth Amendment to the United States Constitution, both facially and as applied by Defendants.

# Nineteenth Cause of Action (Chaparral High School mandatory school uniform requirement) Violation of the right to due process of guaranteed by the

States Constitution, both facially and as applied by Defendants.

#### 1 Twenty-third Cause of Action (Jim Bridger Middle School mandatory school uniform requirement) 2 Violation of the Equal Protection Clause of the Fourteenth Amendment 3 to the United States Constitution. 4 82. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 5 83. The Jim Bridger Middle School mandatory school uniform requirement violates the 6 7 equal protection clause of the Fourteenth Amendment to the United States Constitution, both facially 8 and as applied by Defendants. 9 Twenty-fourth Cause of Action 10 (Jim Bridger Middle School mandatory school uniform requirement) Violation of the right to due process of 11 guaranteed by the to the United States Constitution. 12 84. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 13 14 85. The Jim Bridger Middle School mandatory school uniform requirement violates the 15 right to due process guaranteed by the United States Constitution, both facially and as applied by the 16 Defendants. 17 Twenty-fifth Cause of Action 18 (Jim Bridger Middle School mandatory school uniform requirement) Vagueness and overbreadth 19 86. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 20 87. The Jim Bridger Middle School mandatory school uniform requirement is 21 unconstitutionally vague and overbroad. 22 23 **Twenty-sixth Cause of Action** (Glen Taylor Elementary School mandatory school uniform requirement) 24 Violation of the right of freedom of speech guaranteed by the First and Fourteenth Amendments 25 to the United States Constitution 26 88. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 27 89. The Glen Taylor Elementary School mandatory school uniform requirement violates 28

1 the right to freedom of speech guaranteed by the First and Fourteenth Amendments to the United 2 States Constitution, both facially and as applied by Defendants. 3 **Twenty-seventh Cause of Action** 4 (Glen Taylor Elementary School mandatory school uniform requirement) Violation of the right of free exercise of religion guaranteed 5 by the First and Fourteenth Amendments to the United States Constitution 6 7 90. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 8 91. The Glen Taylor Elementary School mandatory school uniform requirement violates 9 the right to free exercise of religion guaranteed by the First and Fourteenth Amendments to the 10 United States Constitution, both facially and as applied by Defendants. 11 Twenty-eighth Cause of Action 12 (Glen Taylor Elementary School mandatory school uniform requirement) Violation of the Equal Protection Clause of 13 the Fourteenth Amendment 14 to the United States Constitution. 15 92. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 16 93. The Glen Taylor Elementary School mandatory school uniform requirement violates 17 the equal protection clause of the Fourteenth Amendment to the United States Constitution, both 18 facially and as applied by Defendants. 19 20 Twenty-ninth Cause of Action (Glen Taylor Elementary School mandatory school uniform requirement) 21 Violation of the right to due process of guaranteed by the 22 to the United States Constitution. 23 94. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 24 The Glen Taylor Elementary School mandatory school uniform requirement violates 95. 25 26 the right to due process guaranteed by the United States Constitution, both facially and as applied by 27 the Defendants. 28

1	the equal protection clause of the Fourteenth Amendment to the United States Constitution, both						
2	facially and as applied by Defendants.						
3	Thirty-fourth Cause of Action						
4	(Frank E. Garside Jr. High School mandatory school uniform requirement)  Violation of the right to due process of						
5	guaranteed by the						
6	to the United States Constitution.						
7	104. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.						
8	105. The Frank E. Garside Jr. High School mandatory school uniform requirement violates						
9	the right to due process guaranteed by the United States Constitution, both facially and as applied by						
10	the Defendants.						
12	Thirty-fifth Cause of Action						
13	(Frank E. Garside Jr. High School mandatory school unifrom requirement)						
13	Vagueness and overbreadth 106. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.						
15	107. The Frank E. Garside Jr. High School mandatory school uniform requirement is						
16	unconstitutionally vague and overbroad.						
17	Thirty-sixth Cause of Action						
18	(NRS 392.458) Violation of Article 1, Section 9						
19	of the Nevada Constitution						
20	108. Plaintiffs reallege and incorporate by reference herein the allegations set forth above						
21	109. NRS 392.458 violates Article 1, Section 9 of the Nevada Constitution.						
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23	Thirty-seventh Cause of Action (CCSD Regulation 5131 (VI & VII))						
24	Violation of Article 1, Section 9 of the Nevada Constitution						
25	110. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.						
26							
27	111. CCSD Regulation 5131 (VI & VII) violates Article 1, Section 9 of the Nevada						
28	Constitution.						

#### 1 Thirty-eighthCause of Action (Liberty High School mandatory school uniform requirement) 2 Violation of Article 1, Section 9 of the Nevada Constitution 3 4 Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 112. 5 The Liberty High School mandatory school uniform requirement violates Article 1, 113. 6 Section 9 of the Nevada Constitution. 7 Thirty-ninth Cause of Action 8 (Chaparral High School mandatory school uniform requirement) Violation of Article 1, Section 9 9 of the Nevada Constitution 10 114. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 11 115. The Chaparral High School mandatory school uniform requirement violates Article 12 1, Section 9 of the Nevada Constitution. 13 14 Fortieth Cause of Action (Jim Bridger Middle School mandatory school uniform requirement) 15 Violation of Article 1, Section 9 of the Nevada Constitution 16 116. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 17 The Jim Bridger Middle School mandatory school uniform requirement violates 117. 18 Article 1, Section 9 of the Nevada Constitution. 19 20 Forty-first Cause of Action (Glen Taylor Elementary School mandatory school uniform requirement) 21 Violation of Article 1, Section 9 of the Nevada Constitution 22 118. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 23 119. The Glen Taylor Elementary School mandatory school uniform requirement violates 24 Article 1, Section 9 of the Nevada Constitution. 25 26 **Forty-second Cause of Action** 27

1 2	(Fra	nk E. Garside Jr. High School mandatory school uniform requirement) Violation of Article 1, Section 9 of the Nevada Constitution							
3	120.	Plaintiffs reallege and incorporate by reference herein the allegations set forth above.							
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5	121.	The Frank E. Garside Jr. High School mandatory school uniform requirement violates							
6	Article 1, Section 9 of the Nevada Constitution.								
7 8		Forty-third Cause of Action (CCSD Regulation 5131 (VI & VII)) Violation of state law							
9	122.	Plaintiffs reallege and incorporate by reference herein the allegations set forth above.							
10	123.	CCSD Regulation 5131 (VI & VII) violates NRS 392.458							
11		Forty-fourth Cause of Action							
12		(Liberty High School mandatory school uniform requirement) Violation of state law							
13 14	124.	Plaintiffs reallege and incorporate by reference herein the allegations set forth above.							
15	125.	The Liberty High School mandatory school uniform requirement violates NRS							
16	392.458.								
17 18		Forty-fifth Cause of Action (Chaparral High School mandatory school uniform requirement) Violation of state law							
19	106								
20	126.	Plaintiffs reallege and incorporate by reference herein the allegations set forth above.							
21	127.	The Chaparral High School mandatory school uniform requirement violates NRS							
22	392.458.								
23		Forty-sixth Cause of Action							
24	1	(Jim Bridger Middle School mandatory school uniform requirement)  Violation of state law							
25	120								
26	128.	Plaintiffs reallege and incorporate by reference herein the allegations set forth above							
27									
28		20							

1 129. The Jim Bridger Middle School mandatory school uniform requirement violates NRS 2 392.458. 3 **Forty-seventh Cause of Action** 4 (Glen Taylor Elementary School mandatory school uniform requirement) Violation of state law 5 130. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 6 7 131. The Glen Taylor Elementary School mandatory school uniform requirement violates 8 NRS 392,458. 9 Forty-eighth Cause of Action (Frank E. Garside Jr. High School mandatory school uniform requirement) 10 Violation of state law 11 132. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 12 133. The Frank E. Garside Jr. High School mandatory school uniform requirement violates 13 NRS 392.458. 14 Forty-ninth Cause of Action 15 Violation of the right to an education 16 134. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 17 135. Defendants' actions have illegally deprived Kimberly Jacobs to her right to an 18 education. 19 Fiftieth Cause of Action 20 Violation of the right to an education 21 136. Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 22 137. Defendants' actions have illegally deprived Dwight Terry Jr. to his right to an 23 education. 24 Fifty-first Cause of action intentional infliction of emotional distress 25 Plaintiffs reallege and incorporate by reference herein the allegations set forth above. 26 138. 27 21 28

139. Defendants' actions have caused Plaintiffs to suffer significant emotional harm.

# Fifty-second Cause of action Interference with parental rights

- 140. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.
- 141. Defendants' actions have illegally interfered with Plaintiffs Donald Jacobs, Linda Rowley, Dwight Terry, Wendy Dresser, Donald Dresser, Lynn Rose, Lona Finley and Deanna Wright right to raise their children in the manner they see fit.

WHEREFORE, Plaintiffs' request this Honorable Court for the following:

- a. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, both facially and as applied by the Defendants, the free speech clause of the First Amendment to the United States Constitution;
- b. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, both facially and as applied by the Defendants, the free exercise of religion clause of the First Amendment to the United States Constitution;
- c. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, both facially and as applied by the Defendants, the equal protection clause of the First Amendment to the United

States Constitution;

d. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, both facially and as applied by the Defendants, the right to due process of law guaranteed by the United States Constitution;

- e. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, both facially and as applied by the Defendants, Article 1, Section 9 of the Nevada Constitution;
- f. a declaration that CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements violate, NRS 392.458, both facially and as applied by the Defendants;
- g. an injunction prohibiting enforcement of NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School, Chaparral High School, Jim Bridger Middle School, Glen Taylor Elementary School and Frank E. Garside Jr. High School mandatory school uniform requirements.
- h. an injunction to prohibit the Defendants from taking any disciplinary action against student plaintiffs, or to punish them academically for failure to adhere to a mandatory school uniform requirement, as long as they adhere to the provisions contained in CCSD Regulation 5131 (IV).

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i.	an order reversing any disciplinary action against student plaintiffs,							
or any acader	mic punishment or	to adhere to a	mandatory	school	uniform	requirement,	and	
expunging suc	ch information from	academic records	3;					

- j. damages in an amount to be determined at the time of trial;
- h. reasonable costs and attorneys fees;
- i. any further relief the Court deems appropriate.

Dated this 27th day of December 2004:

Respectfully submitted by:

Allen Lichtenstein General Counsel, ACLU of Nevada NV Bar No. 3992 3315 Russell Road, No. 222 Las Vegas, Nevada 89120 (702) 433-2666

JoNell Thomas NV Bar No. 4771 616 S. Eighth Street Las Vegas, NV 89101 (702) 471-6565

Attorneys for Plaintiffs

# **CERTIFICATE OF SERVICE**

On December 27, 2004, I served a copy of Plaintiffs' Amended Complaint by First Class

United States mail to:

William Hoffman Esq. General Counsel Clark County School District 2823 E. Flamingo Road Las Vegas, NV 89121

Ållen Lichtenstein

Dwight Terry, hereby makes the following declaration: (1) he is a Plaintiff in the above titled action, (2) He has read the foregoing Amended Complaint and knows the contents thereof. and (3) the same is true of his own knowledge except for those matters therein stated on information and belief.

Dated this 27th day of December 2004.

Pay Welfery fr.

Lona Finley, hereby makes the following declaration: (1) she is a Plaintiff in the above titled action, (2) She has read the foregoing Complaint and knows the contents thereof, and (3) the same is true of her own knowledge except for those matters therein stated on information and belief.

Dated this 27th day of December 2004.

Ama Vinley

Lynn Rose, hereby makes the following declaration: (1) she is a Plaintiff in the above titled action. (2) She has read the foregoing Complaint and knows the contents thereof, and (3) the same is true of her own knowledge except for those matters therein stated on information and belief.

Dated this 27th day of December 2004.

Wendy Dresser, hereby makes the following declaration: (1) she is a Plaintiff in the above titled action, (2) She has read the foregoing Complaint and knows the contents thereof, and (3) the same is true of her own knowledge except for those matters therein stated on information and belief.

Dated this 27th day of December 2004.

Wendy h Dresser